

#49913

#193



San Bernardino County Sheriff's Department
INMATE GRIEVANCE FORM

Grievance Number:

Date:

Assigned to:

NAME Michael McElhiney BOOKING# 0301343349
 HOUSING LOCATION 5F-12 LOCATION OF OCCURRENCE WVDC
 DATE/TIME OF OCCURRENCE 07/24/03 DATE OF COMPLAINT 07/25/03

EXPLAIN YOUR COMPLAINT. INCLUDE DATES, TIMES, AND NAMES OF PERSONS INVOLVED.

Sgt DeBord - the 'Warning' issued to me
regarding alleged abuses of my proper privileges
are without merit and completely groundless
especially when viewed in light of SCA J. Lopez's
opinion.

I typed up a Declaration that is in support
of my Motion for Order to Show Cause & Contempt
(detailing your facility's abject failure to abide by
federal court order) - my codetendant's declaration
needs to be signed and as a pro se litigant
in a Joint Defense Agreement I must share
inform all codetendant's counsel. Due to this
Facility's irrational security policies I am
prohibited from communicating with my co-
detendants. Your actions are unreasonable and
impede my ability to litigate effectively.

This facility must recognize its County Jail rules
do not apply especially in the matter of
pro se representation in federal court. SCA
Lopez is ignorant of federal law/procedure.

I suggest you ask ALSA Jesner/Wolfe
before you threaten me again, or interfere
with my litigation.

ATTACH ADDITIONAL PAGES IF NEEDED

McElhiney
 Inmate's Signature

Received by: LONG B5716
 Employee's Name (Please Print)

Date: 072503 Time: 0655

ATTACHMENT #21 [A-21]

**{Disciplinary Report "Abuse of the Grievance System"}
[July 25, 2003]**



SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT BUREAU OF DETENTIONS AND CORRECTIONS INMATE DISCIPLINE REPORT

W.V.D.C.: ☒
G.H.R.C.: ☐
C.D.C.: ☐
OTHER: ☐

Page 1 of 1

INMATE INFORMATION

NAME: LAST, FIRST, MIDDLE <input checked="" type="checkbox"/> Pre-Sentenced <input type="checkbox"/> Sentenced McElhiney, Michael		ASSIGNED HOUSING LOCATION 5 "F" 12	BOOKING NUMBER 0301343349
JDR VIOLATION Abuse of grievance system.		JDR NUMBER 050412	
<input type="checkbox"/> 12/2520. Offense against a person <input type="checkbox"/> 12/2550. Administrative offenses		<input checked="" type="checkbox"/> 12/2530. Facility tranquility <input type="checkbox"/> 12/2520. Security violations	
NEW HOUSING LOC. Same		LOCATION OF INMATE'S PROPERTY None Taken PRIOR DISCIPLINE RECORD (LOCKDOWNS, ETC.): Multiple	

INCIDENT INFORMATION

DATE/TIME OF INCIDENT: 07/25/03 0800 Hrs.	LOCATION OF INCIDENT: Unit 5 Segment "F"	ATTACHED STATEMENT(S) BY: <input type="checkbox"/> Deputy <input type="checkbox"/> Inmate Witness & Info. <input type="checkbox"/> Staff <input checked="" type="checkbox"/> None <input type="checkbox"/> Other
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DETAILED SYNOPSIS OF INCIDENT:

Inmate McElhiney has been in custody at West Valley Detention Center since January of 2003. During this time McElhiney has filed one hundred and three grievances to date. McElhiney has been warned in writing, the grievance system is not a means to insult or degrade staff members. McElhiney continues to file grievances insulting and attacking staff members despite prior warning. Comments such as, SGT. DeBord should consider donning protective headgear and SCA. Lopez is ignorant will not be tolerated in grievance form.

The grievance system is in place for inmates to resolve grievances relating to any conditions of confinement, included but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing and bedding. Title 15 California Code Of Regulations, 1073. Inmate Grievance Procedure.

Inmate McElhiney should refrain from degrading staff members in grievances and focus on the issues he is dissatisfied with. This will allow West Valley Detention Center the opportunity to address the matter.

INMATE STATEMENTS: **You can't put me on discipline for that.**

REPORTING OFFICER/ID #: Rice / B6731	COPY GIVEN TO INMATE BY: Rice	REP. OFFICER ASSIGNMENT: Unit 5	DEPUTY DISCIPLINE RECOMMENDATION DAYS 10 G&W TIME: 0
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SUPERVISOR'S REVIEW

REVIEWED BY: 	DATE REVIEWED: 1/25/03	DISCIPLINE RECOMMENDATION: <input type="checkbox"/> Discipline approved per JDR recommendation. <input type="checkbox"/> Modify discipline as follows: 5 DAYS
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DISCIPLINE REVIEW

WAIVED 24 HR LIMIT. ☐ YES ☐ NO ☐ N/A

ADDITIONAL INMATE STATEMENTS:

REVIEWED BY:	DATE REVIEWED	DISCIPLINARY ACTION <input type="checkbox"/> Discipline approved as recommended above. <input type="checkbox"/> Modify discipline as follows:	
SPEC. DIET APP. BY LT.:	(MAX: 6 Meals over 3 days) BEGINS:	DISCIPLINARY ACTION BASED ON: <input type="checkbox"/> Synopsis Above <input type="checkbox"/> Disciplinary History <input type="checkbox"/> Attached Statements <input type="checkbox"/> Other:	DISCIPLINE OUT DATE:

FACILITY MANAGER'S REVIEW

FACILITY MANAGER:	COMMENTS:	<input type="checkbox"/> (Spec. Diet over 72 hours)
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DISTRIBUTION

<input checked="" type="checkbox"/> (Original) Administrative File <input checked="" type="checkbox"/> Inmate's Jacket <input checked="" type="checkbox"/> Classification Board <input checked="" type="checkbox"/> Inmate <input type="checkbox"/> Special Services <input type="checkbox"/> Culinary	DELIVERED BY: Rice	DATE: 06/11/03
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ATTACHMENT #22 [A-22]

{Prisoner Grievance #39: Filed on March 30, 2003}

{Grievance Response [No Number or Date]}



San Bernardino County Sheriff's Department
INMATE GRIEVANCE FORM

Grievance Number:

Date:

Assigned to:

#39
NAME Michael McElhiney BOOKING# 0301343349
HOUSING LOCATION 5-A-04 LOCATION OF OCCURRENCE WVDC
DATE/TIME OF OCCURRENCE ONGOING DATE OF COMPLAINT 03/30/03

EXPLAIN YOUR COMPLAINT. INCLUDE DATES, TIMES, AND NAMES OF PERSONS INVOLVED.

Due to the extended delay between placing food on our trays
and actual serving (some 5-6 hours) our bread is stale
from exposure.

2 possible solutions to this problem are:

1) Have the bread slices wrapped (similar to how
the lunch bags are prepared; or

2) Have the Food Serving Deputy pass out
our bread individually (and separate from the
trays) while in its bag.

Just a suggestion - I'm sure if Staff
thinks about it they can arrive at an
equitable solution since there really is no
reason to serve us stale Bread.

ATTACH ADDITIONAL PAGES IF NEEDED

Michael McElhiney
Inmate's Signature

Received by:

BURT

Employee's Name (Please Print)

Date: 03-30-03 Time: 1201



San Bernardino County Sheriff's Department
INMATE GRIEVANCE FORM

Summary

Grievance Number:

Date:

Inmates Name Michael McElhiney

Booking Number 0301343349

Investigation Conducted by C. Newland

Emp Number N0363

Summary of Complaint and Findings

Inmate McElhiney suggests two solutions to the problem of stale bread at chow time.

- 1. Have the bread individually wrapped.**
- 2. Have the deputy pass the bread out the same time chow is served.**

Action Taken

Thank the inmate for his suggestion.

Reviewed by [Signature]

Duty Lt.

Approved [Signature]

Facility Administrator

Inmate given a written reply on _____

Date

At _____

Time

By [Signature]

Print Name

This complaint has been discussed with me and I have been advised of the findings

Inmates Signature

ATTACHMENT #23 [A-23]

{Prisoner Grievance #98: Filed July 12, 2003}

{Grievance Response #07-03-106: Filed July 15, 2003}

#98



San Bernardino County Sheriff's Department
INMATE GRIEVANCE FORM

Grievance Number:
Date:
Assigned to:

NAME Michael McElhiney BOOKING# 0301343349
HOUSING LOCATION 5F-12 LOCATION OF OCCURRENCE WVDC
DATE/TIME OF OCCURRENCE 07/11/03 DATE OF COMPLAINT 07/12/03

EXPLAIN YOUR COMPLAINT. INCLUDE DATES, TIMES, AND NAMES OF PERSONS INVOLVED.

MEDICK: J. Henry R. Spru

Yesterday attempting to attend the MRI scheduled for over 2 months, the SBCSD instituted a 'new policy'.

The 'new policy' is to transport this prisoner from WVDC to Arrowhead with a bag on his head.

Just the day before, on July 10, I went to Arrowhead for a Biopsy on my hip. No bag was placed on my head.

It is apparent that these new 'policy' moves are only being implemented as a means of retaliation because Sgt Hoba objects to our presence, to our using the lat to our advantage.

Now you people have denied me access to necessary medical treatment for no good cause and I intend to see you suffer legally. I do not 'hide' behind the lat - I use it to bind idiots

ATTACH ADDITIONAL PAGES IF NEEDED

Michael McElhiney
Inmate's Signature

Received by: J. McLENNER
Employee's Name (Please Print)

Date: 07/12/03 Time: 2037

San Bernardino County Sheriff's Department
INMATE GRIEVANCE FORM

Summary

Grievance Number:

07-03-106

Date:

071503

Inmates Name McElhiney, Michael

Booking Number 0301343349

Investigation Conducted by W. De Bord, Sergeant

Emp Number D0536

Summary of Complaint and Findings

COMPLAINT:

Inmate McElhiney complains that he missed a medical appointment because of a "new policy".

FINDINGS:

A security procedure has been implemented requiring that these inmates be hooded during transportation off the facility. McElhiney's response was to refuse to go to his medical appointment.

Security is paramount. McElhiney's failure to conform with security procedures and refusal of medical treatment was entirely his choice.

Action Taken

Grievance answered.

Reviewed by [Signature] Duty Lt. Approved [Signature] Facility Administrator

Inmate given a written reply on _____ At _____ By _____
Date Time Print Name

This complaint has been discussed with me and I have been advised of the findings

[Signature]
Inmates Signature

ATTACHMENT #24[A-24]

{Grievance Response #06-03-247: Filed June 27, 2003}



San Bernardino County Sheriff's Department
INMATE GRIEVANCE FORM

Summary

Grievance Number:

06-03- 247

Date:

06-27-03

Inmates Name Michael McElhiney

Booking Number 0301343349

Investigation Conducted by W. De Bord, Sergeant

Emp Number D0536

Summary of Complaint and Findings

COMPLAINT:

Inmate McElhiney is complaining that the room utilized as a temporary law library was searched while he was not occupying it.

FINDINGS:

The temporary law library is a part of the West Valley Detention Center. The contents of this room were placed by there by personnel of the facility. Though an inmate conducts research and prepares litigation in the room, the room is still a part of the facility. The room has not been granted sovereign status of the inmate. The room and its contents are susceptible to search. The contents of the room should be search periodically to insure the inmate complies with the policies and provisions of the facility. The computer will be inspected to insure it is operational and intact.

Action Taken

Grievance answered.

Reviewed by (signature) Duty Lt. Approved (signature) Facility Administrator

Inmate given a written reply on 07/02/03 At 0615 By HAZARD
Date Time Print Name

This complaint has been discussed with me and I have been advised of the findings

REFUSED

Inmates Signature

CERTIFICATE OF SERVICE

I, **CAREY P. CRONIN**, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of the United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California, 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy of

**JOINT BRIEF RE: IMPACT OF CONDITIONS OF CONFINEMENT UPON
DEFENDANT'S EFFECTIVE SELF REPRESENTATION**

☐ Placed in a closed envelope, for collection and interoffice delivery addressed as follows:

☒ Placed in a sealed envelope, for collection and mailing via United States Mail, addressed as follows:

☐ By hand deliver addressed as follows:

☐ By facsimile as follows:

☐ By messenger as follows:

☐ By federal express as follows:

SEE ATTACHED

This Certificate is executed on **OCTOBER 23, 2003** at Los Angeles, California

I certify under penalty of perjury that the foregoing is true and correct



CAREY P. CRONIN

ATTACHMENT

UNITED STATES v. BARRY BYRON MILLS, et al.

No. CR 02-938-GHK

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